

Village of Weston, Wisconsin
OFFICIAL PROCEEDINGS OF THE PLAN COMMISSION AND
JOINT TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE
held on Monday, July 11, 2016 at 6:00 p.m., in the Board Room, at the Municipal Center
Chairman White Presiding.

A. OPENING OF SESSION AT 6:00 P.M.

- 1. Joint Town & Village of Weston Extraterritorial Zoning Committee meeting called to order by Diesen.**
- 2. Plan Commission meeting called to order PC Chairman White.**
- 3. Clerk will take attendance and roll call.**

Roll call indicated 5 Joint Town & Village of Extraterritorial Zoning Committee members present.

<u>Member</u>	<u>Present</u>
Christiansen, Randy	YES
Diesen, Dave	YES
Hull, Mark	YES
Kollmansberger, Tina	YES
Olson, Milt	NO
Zeyghami, Hooshang	YES

Roll call indicated 7 Plan Commission members present.

<u>Member</u>	<u>Present</u>
Diesen, Dave	YES
Hoffman, Craig	YES
Johnson, Marty	YES
Kollmansberger, Tina	YES
Schuster, Fred	YES
White, Loren	YES
Zeyghami, Hooshang	YES

Village Staff in attendance: Donner, Wehner, Tatro, and Parker. There were 3 audience members present.

- 4. Requests for Silencing of cellphones and other electronic devices.**

B. PUBLIC HEARINGS BEFORE VILLAGE PLAN COMMISSION AND JOINT TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE

Diesen and White opened the public hearing at 6:01 p.m.

- 5. Ordinance No. 16-032 An Ordinance Creating Section 94.4.10(14) of the Zoning Ordinance Entitled “Temporary Asphalt, Batch or Concrete, Stone Crushing and/or Processing Operations” and Adding This New Temporary Land Use to the Temporary Land Use Category Within the Charts Displayed in Figures 3.04 and 3.05 of the Village Zoning Ordinance.**
Mitch King, 6205 Municipal Street, was present. He stated he is not against this; however, noticed in the draft ordinance the proposed hours of operation being 7am – 5pm, Monday through Friday, and 7am-noon on Saturday. King feels this is too small of a window to work in, when taking into consideration the additional time for maintenance work. He asked if there could be an allowance of additional time for maintenance work. King referred to a project in Rib Mountain his crew is working on, where they need 2 – 2.5 hours just for maintenance. He stated though there would be some noise involved in setting up, taking down, and general maintenance, there would not be any dust or crushing. King stated if the maintenance is included in the time frame, he would feel better with 6am – 6pm, than 7am to 5pm.

Donner asked King if he is lined up to do the work for this particular project. King stated they were only involved in the pricing.

Wehner stated most of this ordinance was modeled after what we have in our existing OME sections. Some things taken from other codes in various communities. Our noise ordinance starts at 6am, so we could open this to a longer period, and it could be reworded to specify as to what the operation is. We could also word that the hours of operation (such as crushing) only occurs during specified times (such as 7am-5pm).

Diesen likes the 7am-5pm for crushing operation, and would be open to later hours for maintenance. Johnson agrees too, and asked if there is language that could be added to make this clearer to the operator. White suggested the language in #11 state something like the “the actual crushing could only occur, and maintenance can occur prior to and after those hours”. Schuster would be okay if we limit the crushing from 7am – 5pm, and maintenance from 6am – 5pm.

Christiansen questioned the amount of time needed in truck loading off the site. He feels to allow 6am – 6pm for this type of thing. He can see the 7am – 5pm crushing, but they need more time for maintenance and truck loading that sometimes needs to take place early in the morning and in the evening.

Wehner pointed out in the Noise Ordinance that it states operation hours for construction is 6am – 10 pm. Donner stated we need to look at whether we are dealing with a short window of pain or long window of pain, where the more restrictive in time will lengthen project. We need to decide which is worse longer hours, shorter project or shorter hours, longer project.

White confirmed applicants would need an operational plan, along with the application. Dust control measures is included in the operational plan.

Christiansen questioned with the site the staff report is referring to, if they get the material crushed and out of there, are they then allowed to haul in additional materials to be crushed, or is there an end period to this permit. Christiansen questioned what prevents someone from bringing in materials to a site, where it is not noticed, and they then end up with a pile similar to the Lewis’, if there is a way to police this or govern this to prevent piles from being dumped in many places. Donner pointed out the language stating “this temporary use shall be proposed in conjunction with and exclusively serving specific public highway or road improvement, other public works project, or large scale construction project warranting on-site processing” – so this is not intended to give people permission on random lots to start taking fill and start processing. Christiansen feels Lewis is not qualified then for this permit, as his fill is not being used towards a project. Wehner stated with the Lewis property being zoned LI, they are allowed to keep piles, they just cannot crush materials without a permit.

Hull questioned in #2 if batch plants and material processing operations including everything that we are talking about (covered under the title). He suggests adding all the terms used in the title. Within #8 he questioned if “facilities” is a defined term? Wehner stated “facilities” would refer to the entire site. Hull pointed out that Facilities is a defined term with a different meaning in the ordinances. Hull stated the same goes for “residential land use”, and he mentioned how commercial lodging is not referred to as a residential land use. Wehner explained all the uses included within residential land use, in the zoning code. Hull pointed out in #8 there is a closed “)” missing after “subdivisions”, along with the “.” at the end of that paragraph. Hull made a general statement regarding the reference to “1,000 feet of any residential land use” in #8, where if this refers also to AR zoned properties (such as properties within the Town), if there are no buildings or trees, to block the sound from 1,000 feet, that a property owner could wind up unknowingly having to listen to and seeing the processing operations. If this were required a Conditional Use, then the neighbors would at least be notified in advance and given an opportunity to comment. He would like to see something included that indicates neighbors will be notified. Hull also pointed out in #11, there should be a change in the sentence structure which indicate the “maximum number of hours per use shall be”, and then include the hours and the days.

Hull then also commented within these permits when we give a lapse and a restart of these, when we give up to a one-year approval, if the applicant works for several weeks, and then stops work for several months, then when it gets close to the one year and suddenly more materials shows up to be processed, they may request an extension. He asked if the permit sunsets on its own while the operation is inactive, or does Weston designate that the pile is complete and the permit is over, where they would have to take out a new permit. Wehner stated this would be part of their operational plan, where they have to provide us the time period, and would receive the permit for that time period, and staff would place an expiration date on the permit. Hull feels that most would ask for the entire year, knowing that they can then ask for one more additional year. He stated we need to be very specific to time. Hull then asked if the permit is specific to the land or the applicant? Wehner confirmed it is specific to the applicant. Tatro stated that sometimes we do not know when a project ends, but we always know when it starts back up. There was discussion of what happened with the Camp Phillips Road project and the Guerndt/Jordan property.

Christiansen feels we should only allow for 6 months, not one year. Diesen agreed they should reapply if needing more than 6 months. White feels if someone is applying for a temporary permit, they should not need 1 year, let alone 2.

Wehner clarified that the way this draft ordinance (specifically #1) was written was meant to state if the applicant requests an extension beyond the first year, they can only do so through a conditional use. It was pointed out that the comma between “additional year” and “more by conditional use” needs to be removed.

Hull discussed what happened when the area around the hospital was being developed, where blasting was also needed, and the general project needs changed, which made the operations take longer. He is concerned because if improvements do occur in that Camp Phillips Road area, with the amount of granite, crushing operation will occur.

Donner commented on the construction on the highway in Rothschild, where they do one side of row one year and the other side the next year. Donner feels they are project specific. Wehner stated anything over 1 year would go through conditional use. Johnson stated we could use 6 months instead, rather than 1 year.

Diesen and White closed this public hearing at 6:45 p.m.

6. Discussion and Action by Joint Town & Village of Weston Extraterritorial Zoning Committee on Director's recommendation to approve the Zoning Ordinance Amendment 16-032, per the specifications, conditions, and limitations of the submitted staff reports, and forward to the Board of Trustees for their consideration and final approval.

Schuster feels better to send back, but state specifically for Wehner the time and length of operation that we favor, and also to take into consideration Hulls comments. Schuster would like to limit to 6 months, before having to come back for conditional use. Wehner stated sometimes with private projects, if we push people through conditional use process, it gets harder to deal with the contractor. Diesen feels the 6 months would be a little more manageable.

Hoffman questioned how often we feel this would come through. It was stated it depends on how much development is coming in. Turner commented that tying the permit to a specific project (and phase) would be helpful. Christiansen commented on asphalt plants. With these, they need materials brought in to mix, which could mean a lot of truck traffic.

Johnson stated within this ordinance, he agrees with the stated hours of operation for crushing, etc. need a little clarity that our regular noise ordinance applies to maintenance operations, which is 6am-10pm. Wehner found in the noise ordinance, within residential districts, construction activities time period which is 6am – 8pm.

Motion to defer until the August Plan Commission Meeting, to consider the changes that have been brought up tonight. It was clarified to limit material processing activities to occur from 7am – 5pm, and all other (such as maintenance) from 6am – 8pm.

Motion by Christiansen, second by Hull, to give staff time to revise and bring back for discussion and action the Zoning Ordinance Amendment Ordinance No. 16-032, based on this discussion and recommendations made tonight.

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Present</u>
Christiansen, Randy	YES
Diesen, Dave	YES
Hull, Mark	YES
Kollmansberger, Tina	YES
Olson, Milt	NO
Zeyghami, Hooshang	YES

7. Discussion and Action by Village Plan Commission on Director's recommendation to approve the Zoning Ordinance Amendment No. 16-032, per the specifications, conditions, and limitations of the submitted staff reports, and forward to the Board of Trustees for their consideration and final approval.

Motion by Schuster, second by Johnson, to give staff time to revise and bring back for discussion and action the Zoning Ordinance Amendment Ordinance No. 16-032, based on this discussion and recommendations made tonight.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Hoffman, Craig	YES
Johnson, Marty	YES
Kollmansberger, Tina	YES
Schuster, Fred	YES

White, Loren	YES
Zeyghami, Hooshang	YES

C. PUBLIC COMMENT – ETZ.

8. Comments from the public on issues, which the ETZ has oversight, or on business items that might be recommended to the Board of Trustees.

None.

D. CONSENT ITEMS – ETZ.

9. Approve previous meeting(s) minutes from the ETZ, May 9, 2016.

Motion by Kollmansberger, second by Hull, to approve previous meeting(s) minutes from the ETZ, May 9, 2016.

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Present</u>
Christiansen, Randy	YES
Diesen, Dave	YES
Hull, Mark	YES
Kollmansberger, Tina	YES
Olson, Milt	NO
Zeyghami, Hooshang	YES

E. ADJOURN ETZ

10. Adjourn ETZ Committee.

Motion by Hull, second by Zeyghami, to adjourn at 7:03 p.m.

F. PUPBLIC HEARINGS BEFORE VILLAGE PLAN COMMISSION

11. REZN-6-16-1597 Jennifer Higgins, Village of Weston, 5500 Schofield Avenue, Weston, requesting a Rezoning from AR (Agriculture and Residential) to LI (Limited Industrial), on property along Zinser Street described as Lot 2, CSM #17438, Volume 83, Page 95, Document #1715999, and Consists of 3.857 Acres.

a. Discussion and Action by Plan Commission on Director's Recommendation to Approve Ordinance No. 16-033 An Ordinance to Approve the Rezoning of Land from AR (Agriculture Residential) to LI (Limited Industrial), on 3.857 Acres of Land Located in the SW ¼ of the SE ¼ of Section 23, Village of Weston, Marathon County, Wisconsin, per the specifications, conditions, and limitations of the submitted staff report and forward to the Board of Trustees for their consideration and final approval.

White opened the hearing at 7:04 p.m.

Wehner stated the Village and Gary Guerndt are doing a land swap. Lot 2 is being acquired by Guerndt.

White closed the hearing at 7:05 p.m.

Motion by Johnson, second by Lawrence, to approve Ordinance No. 16-033 An Ordinance to Approve the Rezoning of Land from AR (Agriculture Residential) to LI (Limited Industrial), on 3.857 Acres of Land Located in the SW ¼ of the SE ¼ of Section 23, Village of Weston, Marathon County, Wisconsin, per the specifications, conditions, and limitations of the submitted staff report and forward on to the Board of Trustees for their Consideration and Final Approval.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Johnson, Marty	YES

Hoffman, Craig	YES
Kollmansberger, Tina	YES
Schuster, Fred	YES
White, Loren	YES
Zeyghami, Hooshang	YES

G. PUBLIC COMMENT – PC

12. Comments from the public on issues, which the PC has oversight, or on business items that might be recommended to the Board of Trustees.

None.

H. CONSENT ITEMS – PC

13. Approve previous meeting(s) minutes from the Plan Commission June 13, 2016, regular meeting.

Motion by Schuster, second by Diesen, to approve the Plan Commission June 13, 2016 regular meeting minutes.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Johnson, Marty	YES
Hoffman, Craig	YES
Kollmansberger, Tina	YES
Schuster, Fred	YES
White, Loren	YES
Zeyghami, Hooshang	YES

I. NEW BUSINESS - PC

14. Discussion and Action by Plan Commission on Director's Recommendation to approve Certified Survey Map and Weston Avenue Road Right-of-Way, per the Specifications, Conditions, and Limitations of the Submitted Staff Report and Forward to the Board of Trustees for their Consideration and Final Approval, per the specifications, conditions, and limitations of the submitted staff report and forward to the Board of Trustees for the consideration and final approval.

Motion by Schuster, second by Johnson, to approve Certified Survey Map and Weston Avenue Road Right-of-Way, per the Specifications, Conditions, and Limitations of the Submitted Staff Report and Forward to the Board of Trustees for their Consideration and Final Approval, per the specifications, conditions, and limitations of the submitted staff report and forward to the Board of Trustees for the consideration and final approval.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Johnson, Marty	YES
Hoffman, Craig	YES
Kollmansberger, Tina	YES
Schuster, Fred	YES
White, Loren	YES
Zeyghami, Hooshang	YES

15. Discussion and Action on Assistant Planner's Recommendation to Approve the Request (ADDB-7-6844) from Scott Turner, at 3601 Camp Phillips Road, to Exceed the "Maximum Accessory Structure Floor Area" as Defined in Figure 5.01(1) in Chapter 94, of the Municipal Code, per the specifications, conditions, and the limitation of the submitted staff report. Scott Turner & Chris Zuleger were present.

Turner stated he would like this building placed along the east side of his property by two other buildings. Will be difficult to see from Camp Phillips Road. This building will be used for tractor storage.

Motion by Diesen, second by Johnson, to approve the Request (ADDB-7-6844) from Scott Turner, at 3601 Camp Phillips Road, to Exceed the “Maximum Accessory Structure Floor Area” as Defined in Figure 5.01(1) in Chapter 94, of the Municipal Code, per the Specifications, Conditions, and the Limitation of the Submitted Staff Report.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Johnson, Marty	YES
Hoffman, Craig	YES
Kollmansberger, Tina	YES
Schuster, Fred	YES
White, Loren	YES
Zeyghami, Hooshang	YES

16. Discussion and Action by Plan Commission on Assistant Planner’s Recommendation to allow Staff to move forward with (1) and update to the Use Table for the B-3 (General Business) Zoning District, allowing “Indoor Storage or Wholesaling” and “Light Industrial activities, incidental to Indoor Sales or Services” as Permitted Uses by Right; (2) Schofield Avenue Corridor Rezone from B-3 to B-2; and (3) the STH 29/CTH-J Interchange Rezone from B-2 to B-3.

Wehner clarified this request is PC authorizing staff to start drafting proposed changes to come back before PC. We are not rezoning or changing the zoning code tonight.

Motion by Schuster, second by Kollmansberger, to approve allowing staff to move forward with (1) and update to the Use Table for the B-3 (General Business) Zoning District, allowing “Indoor Storage or Wholesaling” and “Light Industrial activities, incidental to Indoor Sales or Services” as Permitted Uses by Right; (2) Schofield Avenue Corridor Rezone from B-3 to B-2; and (3) the STH 29/CTH-J Interchange Rezone from B-2 to B-3.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Johnson, Marty	YES
Hoffman, Craig	YES
Kollmansberger, Tina	YES
Schuster, Fred	YES
White, Loren	YES
Zeyghami, Hooshang	YES

J. REPORTS FROM STAFF

17. Report from Planning and Development Director.

White pointed out Jen’s report.

18. Staff Report on staff-approved CSM’s, Site Plans, Sign Permits, Commercial Zoning Permits, and Certificate of Occupancies issued since last reported of 06/01/2016.

Donner commented an e-mail should have been sent to the Commissioners from Guild on documents related to the Camp Phillips Road Corridor Plan and Traffic Impact summary. These are just for review.

K. REMARKS FROM COMMISSIONERS.

Zeyghami commented at last meeting, he asked for a copy of the traffic impact analysis, and have not received it yet. Donner will follow up with Guild to get Zeyghami what he is looking for.

L. DISCUSS ITEMS TO BE INCLUDED FOR NEXT AGENDA.

None.

M. SET NEXT REGULAR MEETING DATE FOR MONDAY, AUGUST 8, 2016, AT 6:00 P.M.

N. ADJOURN.

13. Adjourn Plan Commission.

Motion by Diesen, second by Kollmansberger to adjourn at 7:14 p.m.

Loren White, Chairman

Jennifer Higgins, Director of Planning & Development

Valerie Parker, Recording Secretary